



**STAFF HEARING OFFICER  
AGENDA**

**Susan Reardon**  
**Staff Hearing Officer/Senior Planner**

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**DAVID GEBHARD PUBLIC MEETING ROOM  
630 GARDEN STREET  
WEDNESDAY, SEPTEMBER 9, 2009  
9:00 A.M.**

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*Website: [www.SantaBarbaraCa.gov](http://www.SantaBarbaraCa.gov)*

**NOTICES:**

This regular meeting of the Staff Hearing Officer will be broadcast live on City TV-18, and on your computer via [www.santabarbaraca.gov/Government/Video/](http://www.santabarbaraca.gov/Government/Video/) City TV-18 Live Broadcast. City TV-18 will also rebroadcast this meeting in its entirety on *Friday at 1:00 p.m.* An archived video copy of this meeting will be viewable on computers with high speed internet access the following Monday at [www.santabarbaraca.gov/Online Meetings](http://www.santabarbaraca.gov/Online Meetings).

This agenda schedule is subject to change. It is recommended that applicants and interested persons arrive at 9:00 A.M.

The scope of a project may be modified as it proceeds through the planning process. If you have any questions, wish to review the plans, or wish to be placed on a mailing list for future agendas for an item, please contact City Planning staff at (805) 564-5470 between the hours of 8:30 a.m. to 4:30 p.m., Monday through Thursday, and every other Friday.

**AGENDAS, MINUTES and REPORTS:** Copies of all documents relating to agenda items are available for review at 630 Garden St. and posted online at [www.SantaBarbaraCa.gov/sho](http://www.SantaBarbaraCa.gov/sho). Materials related to an item on this agenda submitted to the Staff Hearing Officer after distribution of the agenda packet are available for public inspection in the Community Development Department located at 630 Garden St., during normal business hours.

**AMERICANS WITH DISABILITIES ACT:** In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the Planning Division at 805-564-5470. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

**I. PRELIMINARY MATTERS:**

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
- B. Announcements and appeals.
- C. Comments from members of the public pertaining to items not on this agenda.  
[Due to time constraints, each person is limited to two (2) minutes.]

## **II. PROJECTS:**

**A. APPLICATION OF BRIAN BERGAKKER, PROPERTY OWNER, 1532 EUCALYPTUS HILL ROAD, APN 015-232-005, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE (MST2009-00351)**

The 6,547 square foot project site is currently developed with a single family residence and detached two-car garage. The proposed project involves demolition of a failing retaining wall, and the construction of new retaining walls and entry stairs to the residence. The discretionary application required for this project is a Modification to permit walls to exceed 3 ½' in height when located within ten feet of either side of a driveway for a distance of twenty feet back from the front lot line (SBMC §28.87.170).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 & 15305.

Case Planner: Roxanne Milazzo, Associate Planner  
Email: [rmilazzo@santabarbaraca.gov](mailto:rmilazzo@santabarbaraca.gov)

**B. APPLICATION OF TONY XIQUES, AGENT FOR VALDOTAS AND JUDITH MILTNER VAITYS, 2201 STANWOOD DRIVE, APN 019-034-003, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 1 UNIT PER ACRE (MST2008-00413)**

The 51,836 square foot project site has frontage on both Stanwood Drive and Orizaba Lane. Current development on site consists of a single family residence and detached accessory building. The proposed project involves a 238 square foot "as-built" porch enclosure to the residence and conversion of the 455 square foot "as-built" accessory building into a garage and workshop. The structure will be expanded by 39 square feet to meet the minimum required dimensions for a two-car garage. The discretionary application required for this project is a Modification to permit new floor area within the required 35' front setback off of Orizaba Lane (SBMC §28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 & 15305.

Case Planner: Roxanne Milazzo, Associate Planner  
Email: [rmilazzo@santabarbaraca.gov](mailto:rmilazzo@santabarbaraca.gov)

C. **APPLICATION OF ROY HARTHORN, AGENT FOR MICHAEL AND ELIZABETH WITHERELL, 914 CALIFORNIA STREET, APN 029-051-001, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE (MST2009-00341)**

The 6,284 square foot project site is located on the corner of California Street and Oramas Road. Current development on site consists of a single family residence and detached two-car carport. The proposed project involves demolition of the carport and the construction of a two-car garage. The discretionary applications required for this project are Modifications to permit the garage to be located within both thirty-foot front setbacks (SBMC §28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 & 15305.

Case Planner: Roxanne Milazzo, Associate Planner  
Email: [rmilazzo@santabarbaraca.gov](mailto:rmilazzo@santabarbaraca.gov)

D. **APPLICATION OF FRANCISCA MELUSINA EDWARDS, APPLICANT FOR THE SANTA BARBARA GREENCARE COLLECTIVE, 2 WEST MISSION STREET, APN 025-311-013, C-2 ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE AND OFFICE (MST2009-00314)**

The project consists of the establishment of a medical cannabis dispensary in a 600 square foot commercial tenant space located at 2 West Mission Street.

The discretionary application required for this project is a Medical Cannabis Dispensary Permit (MCDP) (SBMC §28.80.030).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 (Existing Facilities).

Case Planner: Danny Kato, Senior Planner  
Email: [dkato@santabarbaraca.gov](mailto:dkato@santabarbaraca.gov)

III. **ADJOURNMENT:**

## **CITY OF SANTA BARBARA STAFF HEARING OFFICER MEETING PROCEDURES**

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The public is invited to speak on any item on the Staff Hearing Officer Agenda. After receiving recognition from the Staff Hearing Officer, please approach the podium and speak into the microphone. State your name and purpose for appearing. Your name and comments will be entered into the public record.

The order of presentation after the Staff Hearing Officer introduces the item is as follows:

1. Presentation by Staff (3 minutes)\*.
2. Presentation by Applicant (5 minutes)\*.
3. Public Hearing\*.
4. Additional response by Applicant/Staff (5 minutes)\*.
5. Questions and comments by the Staff Hearing Officer.
6. Staff Hearing Officer Consideration of Findings and Conditions of Approval.
7. Action taken by the Staff Hearing Officer.

**\*Time may be extended or limited by the Staff Hearing Officer.**

Items that generate a large amount of citizen interest may be taken out of their scheduled order on the agenda as a courtesy to the public in attendance. Where there are a large number of people wishing to speak on an item, the Staff Hearing Officer may limit time allotted to each speaker.

**WRITTEN COMMENT PROCEDURE:** Written testimony is invited and will be entered into the public record. Written information can be submitted prior to the meeting to the Planning Division Office, 630 Garden Street. Only one copy is required. Longer written statements must be submitted as early as possible to allow the Staff Hearing Officer time to adequately consider the information. The preferred submittal time for written statements is Friday at noon for the following Wednesday's meeting. Written statements submitted at the meeting are limited to two (2) pages and three (3) copies are required.

It is not possible to determine the precise time an item will be heard. The Staff Hearing Officer meetings are broadcast live on the Government Access Television Channel 18. Monitoring will assist in determining when the item will come up. Any continued items are announced at the beginning of the meeting and repeated throughout the meeting by the Staff Hearing Officer.

**APPEALS AND SUSPENSIONS:** Some of the items before the Staff Hearing Officer may be appealed to the Planning Commission or the City Council pursuant to Santa Barbara Municipal Code Section 27.40.060, Appeals and Suspensions. The Planning Commission may take action to suspend any decision of the Staff Hearing Officer and schedule a public hearing before the Planning Commission to review said decision. Any appeal or suspension must be filed with the Community Development Department within ten calendar days of the date of the Staff Hearing Officer's decision. For further information on appeals or suspensions, contact the Planning Division Staff.

Any further information on the Staff Hearing Officer or Planning Commission meeting procedures or agenda items may be obtained by calling the Planning Division at (805) 564 -5470.

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